



Entered on Docket
September 09, 2010

A handwritten signature in dark ink, appearing to read "Linda B. Riegler".

Hon. Linda B. Riegler
United States Bankruptcy Judge

CHARLES T. WRIGHT, ESQ.
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Attorneys for Debtor

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

KIRKPATRICK, CARLTON RUSSELL
KIRKPATRICK, LEIGHA KRISTEEN
Debtors.

CASE NO.: BK-S 09-12769-LBR
IN CHAPTER 11 PROCEEDINGS

Hearing Date: September 1, 2010
Hearing Time: 1:30 P.M.

**ORDER ON MOTION TO VALUE COLLATERAL, "CRAM DOWN," AND
MODIFY RIGHTS OF AMERICAS SERVICING CO. (ACCT. ENDING IN
1193) PURSUANT TO 11 U.S.C. 506(a) AND 11 U.S.C. 1123(B)(5)**

THE ABOVE MATTER having been heard at the time and date above the
Court finds as follows:

1. The Debtors' property located at 3717 MISTY FALLS ST., LAS VEGAS, NEVADA 89129 (the "Subject Property") is valued at \$175,000.00.
2. That on the filing date of the instant Chapter 11 Petition, AMERICAS SERVICING CO. (ACCT. ENDING IN 1193)'s claim was partially unsecured in the amount of \$78,824.00.

IT IS THEREFORE ORDERED THAT AMERICAS SERVICING CO.

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(ACCT. ENDING IN 1193)'s claim is bifurcated to a secured claim in the amount of \$175,000.00 and a contingent general unsecured claim in the amount of \$78,824.00 to be paid pro rata with like unsecured creditors.

IT IS FURTHER ORDERED THAT AMERICAS SERVICING CO. (ACCT. ENDING IN 1193) is stripped of its secured rights and/or lien-holder rights in the unsecured portion of the bifurcated claim. Therefore, the secured rights in the unsecured portion of the bifurcated claim are hereby terminated and shall be reclassified as a contingent general unsecured claim, which will be discharged only upon successful completion of the confirmed Chapter 11 Plan. This Order shall not alter the rights of this secured party should the case be converted or dismissed.

DATED this 1st day of September, 2010.

By: /s/ Charles T. Wright
 CHARLES T. WRIGHT, ESQ.
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ALTERNATIVE METHOD re: RULE 9021:

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that:

- () The court has waived the requirement set forth in LR 9021 (b)(1)
 (X) No party appeared at the hearing or filed an objection to the motion.
 () I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:
 () I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g) , and that no party has objected to the form or content of the order.